

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

CESAR ACEVEDO,

Plaintiff,

v.

LEBEC PARTS LLC, *et al.*,

Defendants.

Case No. 1:24-cv-01240 JLT CDB

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DECLINING  
SUPPLEMENTAL JURISDICTION OVER  
PLAINTIFF’S STATE LAW CLAIMS**

(Doc. 8)

Cesar Acevedo seeks to hold Lebec Parts LLC and Emilie A. Wainright, as trustee of the Wainwright Trust, liable for violations of the Title III of the American with Disabilities Act. In addition, Plaintiff asserts several claims arising under state law including: California’s Unruh Civil Rights Act, Health and Safety Code, Disabled Persons Act and negligence. (Doc. 1.) Following an order to show cause regarding jurisdiction, the assigned magistrate judge issued Findings and Recommendations, recommending the Court decline to exercise supplemental jurisdiction over Plaintiff’s state law claims and dismiss the claims without prejudice pursuant to 28 U.S.C. § 1367(c)(4). (Doc. 9.)

The Court served the Findings and Recommendations on Plaintiff<sup>1</sup> and informed him that any objections must be filed within 14 days of the date of service. (Doc. 8 at 9.) The Court advised Plaintiff that “failure to file objections within the specified time may result in the waiver

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<sup>1</sup> Defendants have not yet appeared in the action.

1 of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).)

2 Plaintiff did not file objections, and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.  
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations  
5 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations dated October 30, 2024 (Doc. 8) are  
7 **ADOPTED** in full.
- 8 2. The Court **DECLINES** to exercise supplemental jurisdiction over Plaintiff’s  
9 claims arising under state law pursuant to 28 U.S.C. § 1367(c)(4).
- 10 3. Plaintiff’s Unruh Act, Disabled Persons Act, Health & Safety Code, and  
11 negligence claims are **DISMISSED** without prejudice to Plaintiff’s filing of these  
12 claims in state court.
- 13 4. The matter is referred to the magistrate judge for further proceedings.

14  
15 IT IS SO ORDERED.

16 Dated: **November 20, 2024**

  
UNITED STATES DISTRICT JUDGE